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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,549	09/22/2003	John H. Sohl III	36507-191465	5551
26694	7590	10/13/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP			LAU, TUNG S	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
			2863	

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,549

Applicant(s)

SOHL ET AL.

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>see office action</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed on 1-16-2004 has been accepted and signed by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, 6, 8, 7, 10, 11, 12, 13, 18, 20 are rejected under 35

U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent 5,571,724).

Regarding claim 1:

Johnson discloses a method for end-to-end environmental data acquisition and delivery comprising the steps of a) acquiring environmental subsurface data via direct reading sensors (Col. 5-6, Lines 45-13, Col. 64, Lines 27-39); b) geo-referencing said data (Col. 5-6, Lines 45-13); c) transmitting said data to a data analysis application server (fig. 4, unit 123, 122); and d) analyzing said data to obtain information about said data (Col. 5-6, Lines 45-13).

Regarding claim 2, Johnson discloses one or more data parameter (Col. 5-6, Lines 45-13); Regarding claim 3, Johnson discloses environmental subsurface data relates to chemical and geological attributes of the subsurface (abstract);

Regarding claim 4, Johnson discloses direct sensing technologies (Col. 5-6,

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Lines 45-13, Col. 64, Lines 27-39); Regarding claim 5, Johnson discloses geo-referencing said data to a specific point on the earth's surface (Col. 1, Lines 50-55); Regarding claims 6, 8, Johnson discloses two dimensional with time (Col. 1, Lines 50-55); Regarding claim 7, Johnson discloses a geo-reference in three dimensional (Col. 1-2, Lines 50-13); Regarding claim 11, Johnson discloses using algorithm to calculate information (Col. 23-24, Lines 1-67); Regarding claim 12, Johnson discloses refining raw data into processed data (Col. 5-6, Lines 45-38); Regarding claim 13, Johnson discloses display using 'dashboard' type display (fig. 4, unit 122) and field device (fig. 4, unit 122); Regarding claim 18, Johnson discloses performing datamining (Col. 23, Lines 1-67); Regarding claim 20, Johnson discloses normalizing chemical concentration (Col. 1, Lines 10-45) and determining flow rate (Col. 56, Lines 22-48), pressure (Col. 52-53, Lines 58-3) of the analytical system; Regarding claim 10, Johnson discloses application service provider (fig. 4, unit 124).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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a. Claims 9, 14, 15, 16, 17 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent 5,571,724) in view of Salvo (U.S. Patent 6,356,205).

Johnson discloses a method including the subject matter discussed above except use of wireless communication link, posting information on a web for authorized users, transmit information to a mobile device, internet access.

Salvo discloses use of wireless communication link, posting information on a web for authorized users, transmit information to a mobile device , internet access.(Col. 4, Lines 46-62, Col. 3, Lines 49-62), in order to be able to collect and send data anywhere (Col. 1, Lines 5-9, fig. 2).

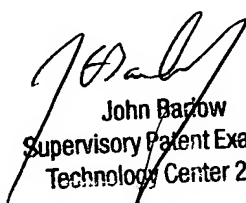
It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to have the use of wireless communication link, posting information on a web for authorized users, transmit information to a mobile device , internet access taught by Salvo in order to be able to collect and send data anywhere (Col. 1, Lines 5-9, fig. 2).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL


John Barlow
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